

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TERRELL MICKLES,

Plaintiff

v.

LEVYS-TRANSPORT SYSTEM, et al.,

Defendants

Civ. No. 22-5057 (RMB-MJS)

OPINION

BUMB, United States District Judge

I. INTRODUCTION

Plaintiff Terrell Mickles,¹ a prisoner confined in the Federal Correctional Institution in Terre Haute, Indiana, submitted to this Court an undecipherable complaint against a deceased French physicist and other unlikely defendants. Plaintiff did not pay the \$402 filing and administrative fees to open a civil action,² nor did he submit an application to proceed without prepayment of the filing fee (“*in forma pauperis*” or “IFP” application) under 28 U.S.C. § 1915.

II. DISCUSSION

28 U.S.C. § 1915(g) provides:

¹ Plaintiff identified his federal BOP Register No. as 11733-003. Plaintiff has also filed lawsuits as "Terrell Mickels" with the same BOP Register Number. *See e.g. Mickels v. Steele*, No. CV 15-117-KD-C, 2016 WL 2869879, at *4 (S.D. Ala. Mar. 4, 2016); *Mickels v. Ask-Carlson*, 582 F. App'x 514 (5th Cir. 2014).

² *See* 28 U.S.C. § 1914(a) (establishing \$350 filing fee for civil action in United States District Courts).

(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

"[A] strike accrues only if the "entire action or appeal is dismissed explicitly" for one or more of those three grounds..." *Talley v. Wetzel*, 15 F.4th 275, 285 (3d Cir. 2021).

Upon search of the civil records of the United States District and Appellate Courts,³ Plaintiff has filed three or more pro se prisoner cases that have been dismissed for one or more of the three enumerated grounds in § 1915(g). *See Mickles v. United States*, No. CV 1:21-00463-JB-N, 2021 WL 5630770, at *1 (S.D. Ala. Nov. 2, 2021), report and recommendation adopted, No. CV 1:21-00463-JB-N, 2021 WL 5614770 (S.D. Ala. Nov. 30, 2021) (collecting Mickles' cases that qualify as a "strike" under § 1915(g)).⁴ In the instant complaint, Plaintiff has not alleged that he is in imminent danger of serious physical injury.

III. CONCLUSION

For the reasons discussed above, this action will be dismissed without prejudice

³ The Court is taking judicial notice of the U.S. Party/Case Index, PACER Service Center, available at <http://pacer.psc.uscourts.gov>.

⁴ *See Mickles v. Steele*, No. CV 15-117-KD-C, 2016 WL 2869879, at *4 (S.D. Ala. Mar. 4, 2016), report and recommendation adopted, No. 15-0117-KD-C, 2016 WL 2757399 (S.D. Ala. May 12, 2016) (dismissed as frivolous); *Mickles v. Moore*, CA No. 14-0086-WS-N (S.D. Ala. 2014) (ECF Nos. 16, 26) (dismissing case as frivolous and for failure to state a claim), appeal dismissed, No. 14-14763-C (11th Cir. 2015) (appeal dismissed as frivolous by a three-judge panel), and *Mickles v. Springfield Med. Ctr. for Fed. Prisoners*, No. 6:16-cv-03494-BP (W.D. Mo. Jan. 24, 2017) (dismissing case as frivolous).

pursuant 28 U.S.C. § 1915(g).

An appropriate Order

follows. **DATED: August 19,**
2022

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge